

## **IN THE CLAIMS**

No claims are amended herein. All pending claims are produced below.

1. (Original) A computer implemented method for in-place preservation of file system objects during a clone operation, the method comprising the steps of:  
a cloning manager determining boundaries of a file system to be created by the clone operation;  
the cloning manager identifying at least one protected area within the boundaries reserved for the file system to be created by the clone operation;  
the cloning manager identifying at least one in-place file system object at least partially within the boundaries to be preserved during the clone operation;  
the cloning manager storing, in a location that will not be affected by the clone operation, metadata concerning each in-place file system object at least partially within the boundaries to be preserved during the clone operation;  
the cloning manager ensuring that each in-place file system object at least partially within the boundaries to be preserved during the clone operation is not located in a protected area; and  
the cloning manager creating the file system during the clone operation only in locations within the boundaries in which no in-place file system object to be preserved is located.
2. (Original) The method of claim 1 wherein the cloning manager determining the boundaries of a file system to be created by the clone operation comprises:  
the cloning manager analyzing data concerning the clone operation to determine at least one attribute concerning the file system to be created from a group of attributes consisting of:  
a file system type of the file system to be created;  
a location of volume boundaries of the file system to be created;  
storage geometry concerning the file system to be created; and  
a number of total sectors to be used by the file system to be created.

3. (Original) The method of claim 1 wherein the cloning manager identifying at least one protected area within the boundaries reserved for the file system to be created by the clone operation comprises the cloning manager performing at least one step from a group of steps consisting of:
  - identifying at least one protected area required by the file system to be created by the clone operation; and
  - identifying at least one protected area not required by but optimally reserved for the file system to be created by the clone operation.
4. (Original) The method of claim 1 wherein the cloning manager identifying at least one in-place file system object with the boundaries to be preserved during the clone operation comprises:
  - the cloning manager compiling a list of in-place file system objects to be preserved during the clone operation; and
  - the cloning manager eliminating any in-place file system objects which will not be affected by the clone operation from the list.
5. (Original) The method of claim 4 wherein the cloning manager eliminating any in-place file system objects which will not be affected by the clone operation from the list further comprises:
  - the cloning manager identifying at least one file system object to be preserved which is not located on the physical medium on which the file system is to be created by the clone operation; and
  - the cloning manager eliminating each identified file system object which is not located on the physical medium from the list.
6. (Original) The method of claim 4 wherein the cloning manager eliminating any in-place file system objects which will not be affected by the clone operation from the list further comprises:
  - the cloning manager identifying at least one file system object to be preserved which is located outside of the boundaries of the file system to be created by the clone operation; and

the cloning manager eliminating each identified file system object which is located outside of the boundaries from the list.

7. (Original) The method of claim 1 wherein the cloning manager storing metadata concerning each in-place file system object to be preserved during the clone operation further comprises:

the cloning manager storing, for each in-place system object to be preserved during the clone operation, at least one metadatum concerning the file system object from a group of metadata consisting of:

- a path of the file system object;
- at least one attribute concerning the file system object; and
- a logical location of the file system object;
- a physical storage location of content of the file system object.

8. (Original) The method of claim 1 wherein the cloning manager storing metadata concerning each in-place file system object to be preserved during the clone operation further comprises:

the cloning manager storing the metadata in a location that will not be affected by the clone operation in a format from a group of formats consisting of:

- at least two files, each file containing the metadata so as to support fault tolerance;
- at least one record in a database supporting fault tolerance;
- a single file; and
- structured data in random access memory.

9. (Original) The method of claim 1 wherein the cloning manager ensuring that each in-place file system object at least partially within the boundaries to be preserved during the clone operation is not located in a protected area comprises:

the cloning manager comparing a location of each file system object at least partially within the boundaries to be preserved during the clone operation to locations of identified protected areas reserved for the file system to be created by the clone operation; and

responsive to the cloning manager determining that a location of a file system object conflicts with a location of a protected area, the cloning manager performing a step from a group of steps consisting of:

moving the conflicting file system object to an available non-conflicting location, and updating metadata concerning the file system object accordingly; and classifying the result of the determination as an error condition.

10. (Original) The method of claim 1 wherein the cloning manager creating the file system during the clone operation only in locations within the boundaries in which no in-place file system object to be preserved is located comprises:

before allocating at least one sector for the creation of the file system, the cloning manager checking the stored metadata concerning the in-place file system objects to determine if at least one file system object to be preserved is located at that location; and

responsive to determining that at least one file system object to be preserved is located at that location, allocating the at least one sector to the file system at an available non-conflicting location.

11. (Original) The method of claim 1 wherein:

the cloning manager identifying at least one in-place file system object at least partially within the boundaries to be preserved during the clone operation further comprises the cloning manager identifying at least one in-place file system object to be both preserved during the clone operation and incorporated into the file system created by the clone operation; and

wherein the cloning manager storing, in a location that will not be affected by the clone operation, metadata concerning each in-place file system object further comprises the cloning manager storing metadata concerning each identified file system object to be both preserved during the clone operation and incorporated into the file system created by the clone operation, the metadata comprising at least one metadatum from a group of metadata consisting of:

an indication that the file system object is to be incorporated in the file system to be created by the clone operation;

a recovery path of the file system object within the file system to be created by the clone operation; and  
a recovery partition of the file system object within the file system to be created by the clone operation.

12. (Original) The method of claim 11 further comprising:

the cloning manager determining that at least one identified in-place file system object to be incorporated into the file system to be created by the clone operation is not compatible with the file system to be created by the clone operation; and responsive to the determination, the cloning manager performing a step from a group of steps consisting of:  
modifying at least one identified file system object to be compatible with the file system to be created by the clone operation; and  
classifying the identification as an error condition.

13. (Original) The method of claim 11 further comprising:

for each identified in-place file system object to be incorporated into the file system, the cloning manager determining whether its content is located within a location that is to be a data area of the file system, and whether its location is properly aligned according to storage geometry of the file system; and responsive to determining that the location of at least one in-place file system object to be incorporated into the file system is not compatible with the file system, the cloning manager performing a step from a group of steps consisting of:  
moving the in-place file system object such that its new location is compatible with the file system and updating the associated metadata accordingly; and  
classifying the result of the determination as an error condition.

14. (Original) The method of claim 11 further comprising the cloning manager performing the following additional steps after the clone operation:

using appropriate stored metadata to create a directory entry in the created file system for each identified file system object to be incorporated into the created file system; and

updating metadata concerning the created file system to map the content location of each identified file system object into the created file system.

15. (Original) The method of claim 1 further comprising:
  - the cloning manager determining whether target storage medium is of sufficient size to store each identified in-place file system object to be preserved during the clone operation and the file system to be created by the clone operation;
  - responsive to the result of the determining step, the cloning manager performing a step from a group of steps consisting of:
    - responsive to determining that the target storage medium is of sufficient size, proceeding with the clone operation; and
    - responsive to determining that the target storage medium is not of sufficient size, classifying the result of the determination as an error condition.
16. (Original) The method of claim 1 further comprising:
  - the cloning manager creating at least two file systems during the clone operation.
17. (Original) The method of claim 1 further comprising:
  - the cloning manager creating at least one file system during the clone operation on at least two storage media.
18. (Original) A computer readable medium containing a computer program product for in-place preservation of file system objects during a clone operation, the computer program product comprising:
  - program code for determining boundaries of a file system to be created by the clone operation;
  - program code for identifying at least one protected area within the boundaries reserved for the file system to be created by the clone operation;
  - program code for identifying at least one in-place file system object at least partially within the boundaries to be preserved during the clone operation;

program code for storing, in a location that will not be affected by the clone operation, metadata concerning each in-place file system object at least partially within the boundaries to be preserved during the clone operation;

program code for ensuring that each in-place file system object at least partially within the boundaries to be preserved during the clone operation is not located in a protected area; and

program code for creating the file system during the clone operation only in locations within the boundaries in which no in-place file system object to be preserved is located.

19. (Original) The computer program product of 18 wherein the program code for determining the boundaries of a file system to be created by the clone operation comprises:

program code for analyzing data concerning the clone operation to determine at least one attribute concerning the file system to be created from a group of attributes consisting of:

a file system type of the file system to be created;

a location of volume boundaries of the file system to be created;

storage geometry concerning the file system to be created; and

a number of total sectors to be used by the file system to be created.

20. (Original) The computer program product of claim 18 wherein the program code for identifying at least one protected area within the boundaries reserved for the file system to be created by the clone operation further comprises at least one program code from a group of program codes consisting of:

program code for identifying at least one protected area required by the file system to be created by the clone operation; and

program code for identifying at least one protected area not required by but optimally reserved for the file system to be created by the clone operation.

21. (Original) The computer program product of claim 18 wherein the program code for storing metadata concerning each in-place file system object to be preserved during the clone operation further comprises:
- program code for storing, for each in-place system object to be preserved during the clone operation, at least one metadatum concerning the file system object from a group of metadata consisting of:
- a path of the file system object;
  - at least one attribute concerning the file system object; and
  - a logical location of the file system object;
  - a physical storage location of content of the file system object.
22. (Original) The computer program product of claim 18 wherein the program code for storing metadata concerning each in-place file system object to be preserved during the clone operation further comprises:
- program code for storing the metadata in a location that will not be affected by the clone operation in a format from a group of formats consisting of:
- at least two files, each file containing the metadata so as to support fault tolerance;
  - at least one record in a database supporting fault tolerance;
  - a single file; and
  - structured data in random access memory.
23. (Original) The computer program product of claim 18 wherein the program code for ensuring that each in-place file system object at least partially within the boundaries to be preserved during the clone operation is not located in a protected area comprises:
- program code for comparing a location of each file system object at least partially within the boundaries to be preserved during the clone operation to locations of identified protected areas reserved for the file system to be created by the clone operation; and
- at least one program code for from a group of program codes consisting of:



program code for, responsive to determining that a location of a file system object conflicts with a location of a protected area, moving the conflicting file system object to an available non-conflicting location, and updating metadata concerning the file system object accordingly; and

program code for, responsive to determining that a location of a file system object conflicts with a location of a protected area, classifying the result of the determination as an error condition.

24. (Original) The computer program product of claim 18 wherein the program code for creating the file system during the clone operation only in locations within the boundaries in which no in-place file system object to be preserved is located comprises:

program code for, before allocating at least one sector for the creation of the file system, checking the stored metadata concerning the in-place file system objects to determine if at least one file system object to be preserved is located at that location; and

program code for, responsive to determining that at least one file system object to be preserved is located at that location, allocating the at least one sector to the file system at an available non-conflicting location.

25. (Original) The computer program product of claim 18 wherein:

the program code for identifying at least one in-place file system object at least partially within the boundaries to be preserved during the clone operation further comprises program code for identifying at least one in-place file system object to be both preserved during the clone operation and incorporated into the file system created by the clone operation; and

wherein the program code for storing, in a location that will not be affected by the clone operation, metadata concerning each in-place file system object further comprises program code for storing metadata concerning each identified file system object to be both preserved during the clone operation and incorporated into the file system created by the clone operation, the metadata comprising at least one metadatum from a group of metadata consisting of:

an indication that the file system object is to be incorporated in the file system to be created by the clone operation;  
a recovery path of the file system object within the file system to be created by the clone operation; and  
a recovery partition of the file system object within the file system to be created by the clone operation.

26. (Original) The computer program product of claim 25 further comprising:  
program code for determining, for each identified in-place file system object to be incorporated into the file system, whether its content is located within a location that is to be a data area of the file system, and whether its location is properly aligned according to storage geometry of the file system; and  
at least one program code from a group of program codes consisting of:  
program code for, responsive to determining that the location of at least one in-place file system object to be incorporated into the file system is not compatible with the file system, moving the in-place file system object such that its new location is compatible with the file system and updating the associated metadata accordingly; and  
program code for, responsive to determining that the location of at least one in-place file system object to be incorporated into the file system is not compatible with the file system, classifying the result of the determination as an error condition.

27. (Original) The computer program product of claim 25 further comprising:  
program code for using appropriate stored metadata to create a directory entry in the created file system for each identified file system object to be incorporated into the created file system; and  
program code for updating metadata concerning the created file system to map the content location of each identified file system object into the created file system.

28. (Previously Presented) A computer system for in-place preservation of file system objects during a clone operation, the computer system having a computer-readable memory containing a computer program product comprising:
- a software portion configured to determine boundaries of a file system to be created by the clone operation;
  - a software portion configured to identify at least one protected area within the boundaries reserved for the file system to be created by the clone operation;
  - a software portion configured to identify at least one in-place file system object at least partially within the boundaries to be preserved during the clone operation;
  - a software portion configured to store, in a location that will not be affected by the clone operation, metadata concerning each in-place file system object at least partially within the boundaries to be preserved during the clone operation;
  - a software portion configured to ensure that each in-place file system object at least partially within the boundaries to be preserved during the clone operation is not located in a protected area; and
  - a software portion configured to create the file system during the clone operation only in locations within the boundaries in which no in-place file system object to be preserved is located.
29. (Original) The computer system of 28 wherein the software portion configured to determine the boundaries of a file system to be created by the clone operation comprises:
- a software portion configured to analyze data concerning the clone operation to determine at least one attribute concerning the file system to be created from a group of attributes consisting of:
    - a file system type of the file system to be created;
    - a location of volume boundaries of the file system to be created;
    - storage geometry concerning the file system to be created; and
    - a number of total sectors to be used by the file system to be created.

30. (Original) The computer system of claim 28 wherein the software portion configured to identify at least one protected area within the boundaries reserved for the file system to be created by the clone operation further comprises at least one software portion from group of software portions consisting of:
- a software portion configured to identify at least one protected area required by the file system to be created by the clone operation; and
  - a software portion configured to identify at least one protected area not required by but optimally reserved for the file system to be created by the clone operation.
31. (Original) The computer system of claim 28 wherein the software portion configured to store metadata concerning each in-place file system object to be preserved during the clone operation further comprises:
- a software portion configured to store, for each in-place system object to be preserved during the clone operation, at least one metadatum concerning the file system object from a group of metadata consisting of:
    - a path of the file system object;
    - at least one attribute concerning the file system object; and
    - a logical location of the file system object;
  - a physical storage location of content of the file system object.
32. (Original) The computer system of claim 28 wherein the software portion configured to store metadata concerning each in-place file system object to be preserved during the clone operation further comprises:
- a software portion configured to store the metadata in a location that will not be affected by the clone operation in a format from a group of formats consisting of:
    - at least two files, each file containing the metadata so as to support fault tolerance;
    - at least one record in a database supporting fault tolerance;
    - a single file; and
    - structured data in random access memory.

33. (Original) The computer system of claim 28 wherein the software portion configured to ensure that each in-place file system object at least partially within the boundaries to be preserved during the clone operation is not located in a protected area comprises:

a software portion configured to compare a location of each file system object at least partially within the boundaries to be preserved during the clone operation to locations of identified protected areas reserved for the file system to be created by the clone operation; and

at least one software portion from a group of software portions consisting of:

a software portion configured to move, responsive to determining that a location of a file system object conflicts with a location of a protected area, the conflicting file system object to an available non-conflicting location, and to update metadata concerning the file system object accordingly; and

a software portion configured to classify, responsive to determining that a location of a file system object conflicts with a location of a protected area, the result of the determination as an error condition.

34. (Original) The computer system of claim 28 wherein the software portion configured to create the file system during the clone operation only in locations within the boundaries in which no in-place file system object to be preserved is located comprises:

a software portion configured to check, before allocating at least one sector for the creation of the file system, the stored metadata concerning the in-place file system objects to determine if at least one file system object to be preserved is located at that location; and

a software portion configured to allocate, responsive to determining that at least one file system object to be preserved is located at that location, the at least one sector to the file system at an available non-conflicting location.

35. (Original) The computer system of claim 28 wherein:

the software portion configured to identify at least one in-place file system object at least partially within the boundaries to be preserved during the clone operation

further comprises a software portion configured to identify at least one in-place file system object to be both preserved during the clone operation and incorporated into the file system created by the clone operation; and wherein the software portion configured to store, in a location that will not be affected by the clone operation, metadata concerning each in-place file system object further comprises a software portion configured to store metadata concerning each identified file system object to be both preserved during the clone operation and incorporated into the file system created by the clone operation, the metadata comprising at least one metadatum from a group of metadata consisting of:

- an indication that the file system object is to be incorporated in the file system to be created by the clone operation;
- a recovery path of the file system object within the file system to be created by the clone operation; and
- a recovery partition of the file system object within the file system to be created by the clone operation.

36. (Original) The computer system of claim 35 further comprising:

- a software portion configured to determine, for each identified in-place file system object to be incorporated into the file system, whether its content is located within a location that is to be a data area of the file system, and whether its location is properly aligned according to storage geometry of the file system; and
- at least one software portion from a group of software portions consisting of:
  - a software portion configured to move, responsive to determining that the location of at least one in-place file system object to be incorporated into the file system is not compatible with the file system, the in-place file system object such that its new location is compatible with the file system and updating the associated metadata accordingly; and
  - a software portion configured to classify, responsive to determining that the location of at least one in-place file system object to be incorporated into the

file system is not compatible with the file system, the result of the determination as an error condition.

37. (Original) The computer system of claim 35 further comprising:

- a software portion configured to use appropriate stored metadata to create a directory entry in the created file system for each identified file system object to be incorporated into the created file system; and

- a software portion configured to update metadata concerning the created file system to map the content location of each identified file system object into the created file system.